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9 HERITAGE PACIFIC FINANCIAL LLC d/b/a HERITAGE PACIFIC FINANCIAL

7 UNITED STATES BANKRUPTCY COURT

8 EASTERN DISTRICT OF CALIFORNIA

9 SACRAMENTO DIVISION

11 In re:  
12 HARLAN THOMAS,  
13 Debtor,

14 HERITAGE PACIFIC FINANCIAL,  
15 LLC d/b/a HERITAGE PACIFIC  
16 FINANCIAL, a Texas Limited Liability  
17 Company,

18 Plaintiff,

19 v.

20 HARLAN THOMAS,

21 Defendant.

22 } Chapter 7  
23 } Bankruptcy Case No.: 10-40912-A-7  
24 } Adversary Case No: 10-02716-A  
25 } DC#: BAM-1

26 **DECLARATION OF BEN GANTER  
IN SUPPORT OF PLAINTIFF'S  
MOTION FOR DEFAULT  
JUDGMENT**

27 I, Ben Ganter, declare as follows:

28 1. I am the Director of Client Relations for Heritage Pacific Financial, LLC  
d/b/a Heritage Pacific Financial. I have personal knowledge of the facts stated herein. I am  
familiar with Heritage Pacific Financial's regular course of business and its operations within the  
secondary mortgage market. I participate in the purchase of mortgage notes on the secondary  
market, on behalf of Plaintiff Heritage Pacific Financial.

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29 **DECLARATION OF BEN GANTER**

1       2. This Declaration is being submitted in support of Plaintiff's request that the court  
2 enter a judgment against Defendant.

3       3. As the Director of Client Relations, I serve as Heritage Pacific Financial's custodian  
4 of records and do hereby certify that each of the documents produced in support of Plaintiff  
5 Request for Entry of Judgment are true and correct copies of the originals, which are and as they  
6 are maintained in the records of Heritage Pacific Financial in the ordinary course of its business.

7       4. Heritage Pacific Financial is the current owner and holder of Defendant's loan and  
8 promissory note.

9       5. I further certify that the amount of actual damages, as more particularly described in  
10 Plaintiff's Complaint and Summary of the Case were sustained by Heritage Pacific Financial as a  
11 result of the acts and/or omissions of the Defendant.

12       6. When purchasing loans on the secondary market, Heritage Pacific Financial  
13 relies *only* on the information provided on the loan application (otherwise referred to as the 1003  
14 Application or Uniform Residential Loan Application).

15       7. When seeking to purchase a note on the secondary market, Heritage relies on  
16 the stated income of the borrower, the borrower's assets and debts, occupation, and other real  
17 property as set forth on the 1003 Application. The borrower signs an "Acknowledgement and  
18 Agreement" representing to the lender, its agents, brokers, processors, attorneys, insurers,  
19 servicers, successors and assign that the information provided in this application is true and  
20 correct.

21       8. By signing the "Acknowledgement and Agreement" the borrower intends to  
22 make these representations to any subsequent note holders, like Heritage Pacific Financial. This  
23 acknowledgement and agreement is an essential clause to which Heritage Pacific Financial relies  
24 on in purchasing the notes from the Lender. Absent this clause, Heritage Pacific Financial would  
25 have no incentive to purchase these notes, and the risk of loss would gravely outweigh the cost.

26       9. Had Heritage Pacific Financial known that the actual income of the borrower was  
27 falsely stated on the 1003 Application, Heritage Pacific Financial would not have purchased that  
28 note.

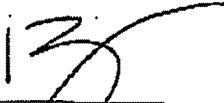
1       10. Attached as "Exhibit A" is a true and correct copy of the Defendant's Uniform  
2 Residential Loan Application, otherwise known as 1003 Form, executed by Defendant, the  
3 original of which is maintained in the records of Heritage Pacific Financial in the ordinary course  
4 of its business.

5       11. Attached as "Exhibit B" is a true and correct copy of the Promissory Note, executed  
6 by Defendant, the original of which is maintained in the records of Heritage Pacific Financial in  
7 the ordinary course of its business.

8       12. Attached as Exhibit "C" is a true and correct copy of the Deed of Trust regarding  
9 real property located at 9688 HOGAN DAM ROAD, VALLEY SPRINGS CALIFORNIA  
10 95252, which proves Defendant obtained said property on or about November 7, 2005.

11       13. Attached as Exhibit "D" is a true and correct copy of property records search results  
12 for Calaveras County regarding land located on LAST CHANCE AVENUE, in BURSON  
13 CALIFORNIA 95225, which shows Defendant acquired the land on or about May 3, 2005.

14       I declare under penalty of perjury under the laws of the State of California that the  
15 forgoing is true and correct on this 30<sup>th</sup> day of June, in Plano, Texas.

16       By: 

17       Ben Ganter  
18       Director of Client Relations and Custodian of  
19       Records for Heritage Pacific Financial, LLC. dba  
20       Heritage Pacific Financial